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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

ROBERT PROBERT; LORETTA E.
PROBERT; GENE GRISSOM;
SANDRA GRISSOM; JOHN GRIMES;
DONNA GRIMES; KENNETH
MCDANIELS; LEONA MCDANIELS;
ERIC CLONINGER; DEBRA
CLONINGER; and LORETTA REES,

Plaintiffs,

vs.

FAMILY CENTERED SERVICES of
ALASKA, INC.; JOHN W. REGITANO;
KATHY CANNONE; SUSZAN DALE;
LONNIE HOVDE; DEBORAH L.
COXON, and ADDITIONAL DOES I to
X, Managerial Employers, Jointly Liable,

Defendants.

Case No. 4:07-CV-000030 RRB

**SECOND SUPPLEMENTAL EXHIBIT TO
MOTION FOR INDICATIVE RULING (Rule “62.1” Motion)**

Plaintiffs previously filed a motion for indicative ruling at Doc. 140. Since that time, Plaintiffs have come across additional materials which further and

continue to substantiate Plaintiffs' case that the FLSA applies to FCSEA's TFHs because they are institutions engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises. Attached hereto are certified photocopies of grant proposal documents from Family Centered Services of Alaska, Fiscal Year 2010 Comprehensive Behavioral Health Treatment and Recovery Grant #602-10-273. Besides once again proving Plaintiffs case for FLSA coverage, the completely debunk their statements that previous admission were "outdated."

These documents are large; and certain portions of it are perhaps more important than not. The Court's attention is directed to the following pages:¹

FCSEA's primary targeted population is children...with a serious emotional disturbance who have a DSM[-]IV-TR Axis V Global Assessment of Functioning (GAF) rating at admission of 50 or less. All are children who are in imminent risk of out-of-home placement and/or placement in protective custody of the State of Alaska.

See p. 19, para. 1.

Objective 4: Children must meet the Seriously Emotionally Disturbed criteria to be enrolled in an FCSEA program.

Outcome 4: FCSEA will complete a comprehensive behavioral health assessment for all children. Based on needs identified in the assessments, FCSEA will refer the child to the appropriate FCSEA

¹ The page numbers have been added by Plaintiffs for convenience of the parties. The entire documents are included, as Defendant's in the past have made objections concerning documents' lack of completeness

program...

See, p. 21 (emphasis added).

Since, 1989, FCSA has operated programs **exclusively** for children and their families who have been assessed with mental illness and co-occurring substance abuse through a variety of programs.

See, p. 27, para. 5.a (emphasis added).

Therapeutic Family Home (TFH): ...Children residing at the TFH are supervised by a live-in therapeutic parent(s) who are responsible for the overall care and supervision of the children. **All children in the homes meet the mental health criteria for being seriously emotionally disturbed and are in need of long term placement...**

See, p. 29 (emphasis added).

These statements are in FCSA's Authentication and certification of these documents are made by the officer of the department who holds such documents.

RESPECTFULLY SUBMITTED this 18th day of February, 2010, at Fairbanks, Alaska.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing
has been served electronically by ECF to the
following attorney(s) and/or parties of the record:

John Foster Wallace, Colin C. Hampton,

Richard D. Monkman

Dated: February 18, 2010

By: s/ Kenneth L. Covell
Law Office of Kenneth L. Covell